1 2 3 4 5 6 7	RONALD C. CHAUVEL (SBN 83182) BRANDON L. REEVES (SBN 242897) GREENE, CHAUVEL, DESCALSO & MINOL 951 Mariner's Island Blvd., Suite 630 San Mateo, CA 94404 Telephone: (650) 573-9500 Facsimile: (650) 573-9689 ron@greenechauvel.com brandon@greenechauvel.com Attorneys for Plaintiff De Sol Corp., Inc.	ETTI	
8	UNITED STATES	DISTRICT COURT	
9	NORTHERN DISTRI	CT OF CALIFORNIA	
10	(Oakland	Division)	
11	De Sol Corp., Inc., a California corporation,	Case No. C07 4107 SBA	
12	Plaintiff,	PLAINTIFFS' OBJECTIONS TO DECLARATION OF JAHANGIR	
13	VS.	SHAHRIARI IN SUPPORT OF DEFENDANTS' MOTION TO	
14	Vegas Connection, Inc., a California corporation; Omar Awad, an individual;	TRANSFER CASE FOR IMPROPER VENUE	
15	Jahangir Shahriari, an individual,	Hearing Date: December 18, 2007	
16	Defendants.	Time: 1:00 p.m. Dept.: 3	
17		Depti. 3	
18			
19	Plaintiff hereby formally objects to the p	urported evidence submitted to the Court in	
20	support of Defendants' Motion to Transfer Case	e for Improper Venue. The declaration of	
21	Jahangir Shahriari in support of Defendants' motion is objectionable for the following reasons:		
22	DEFENDANTS' EVIDENCE	OBJECTION(S)	
23	Declaration of Jahangir Shahriari in Support of	The entire Declaration of Jahangir Shahriari is	
24 25	Defendants' Motion to Transfer Case for Improper Venue ("Decl. of Shahriari")	deficient and cannot be considered as evidence. The Declaration is not sworn or subscribed as true under penalty of perjury as required by	
26		law. 28 U.S.C. § 1746. "Factual contentions made in support of or in	
27		"Factual contentions made in support of or in	
28	PLAINTIFFS' OBJECTIONS TO DECLARATION OF THE PROPERTY OF THE P		

DEFENDANTS' MOTION TO TRANSFER CASE FOR IMPROPER VENUE

1		opposition to any motion must be supported by
2		an affidavit or declaration and by appropriate references to the record." N.D.C.A. Local
3		Rule 7-5(a).
4		Here, the purported evidence offered in Mr. Shahriari's Declaration is critical to the outcome of the Motion to Transfer.
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6		Mr. Shahriari claims that certain individuals will act as witnesses in support of Defendants'
7		defense; however, most of those witnesses are not going to offer such testimony against
8		Plaintiff. See Decl. of Roberto Alvaro in Support of Opposition to this Motion ¶¶ 17-19.
9		Nothing in Mr. Shahriari's Decalration can be considered competent, admissible evidence.
10		Mr. Shahriari makes serious accusations of fraud, scams, conspiracy, and/or unscrupulous
11		conduct against Plaintiff but, importantly, such accusations are not attested to under penalty of
12		perjury, nor are such accusations sworn in the presence of a notary public.
13		Mr. Shahriari's testimony about potential
14		witnesses in favor of Vegas Connection's defense, who allegedly reside in Los Angeles,
15		likewise cannot be considered or treated as admissible evidence. The same applies to Mr.
16		Shahriari's statements about convenience and fairness and burden of having the action tried
17		in Northern, as opposed to Southern, California.
18		Accordingly, Plaintiff would be substantially
19		prejudiced if the Court were to allow Mr. Shahriari's Declaration to pass as admissible
20		evidence.
21		The entire Motion must be denied because without any evidence whatsoever to support
22		the Motion, the jurisdictional assertions in the Complaint are not contradicted.
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24	Decl. of Shahriari ¶ 9, Page 3, Lines 6-12.	Irrelevant. Defendant's arguments related to familial relations and unrelated cases against
25		unrelated parties have no bearing whatsoever on the issue presently before the Court
26		concerning proper venue in the action by
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Argumentative and conclusory. Contains improper legal argument. Declarations m contain facts and avoid conclusions and arguments in order to constitute admissible evidence. Northern District of California Local Rule 7-5; Generale Bank Nederland N.V. v. Eyes of the Beholder Ltd., 61 Cal.App.4th 1384, 1390 (1998); Cal. Cod. Civ. Proc. § 2015.5; Tri-State Mfg. Co. v. Superior Court of Los Angeles County, 2 Cal.App.2d 442, 444-445 (1964)(declarated must be factual and based on personal knowledge to be admissible.) Decl. of Shahriari ¶ 13, Page 3, Lines 26-28, Page 4, Line 1. Argumentative, conclusory, and lacks foundation. Contains improper legal arguments in order to constitute admissible evidence. Northern District of California Local Rule 7-5; Generale Bank Nederland, N.V. v. Eyes of the Beholder Ltd., 61 Cal.App.4th 1384, 1390 (1998); Cal. Cod. Civ. Proc. § 2015.5; Tri-State Mfg. Co. v. Superior Court of Los Angeles County, 2 Cal.App.2d 442, 444-445 (1964)(declarated must be factual and based on personal knowledge to be admissible.)	
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Decl. of Shahriari ¶ 14, Page 4, Lines 2-9. Irrelevant. Defendant's arguments conce unrelated cases involving unrelated parties have no bearing whatsoever on the issue presently before the Court concerning provenue in the action by Plaintiff against Defendants Vegas Connection, Inc., Oma Awad, and Jahangir Shahriari.	s per
26 Argumentative, conclusory, and lacks 27 3	

PLAINTIFFS' OBJECTIONS TO DECLARATION OF JAHANGIR SHAHRIARI IN SUPPORT OF DEFENDANTS' MOTION TO TRANSFER CASE FOR IMPROPER VENUE

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1		foundation. Contains improper legal argument. Declarations must contain facts and avoid
2		conclusions and arguments in order to constitute admissible evidence. Northern
3		District of California Local Rule 7-5; Generale
4		Bank Nederland, N.V. v. Eyes of the Beholder
4		Ltd., 61 Cal.App.4th 1384, 1390 (1998); Cal. Code of Civ. Proc. § 2015.5; Tri-State Mfg.
5		Co. v. Superior Court of Los Angeles County,
6		224 Cal.App.2d 442, 444-445 (1964)(declaration must be factual and based
		on personal knowledge to be admissible.)
7		Defendant's bare, unsupported contentions of alleged scams and/or conspiracies have no
8		bearing whatsoever on the issue presently
9		before the Court concerning proper venue in the action by Plaintiff against Defendants
		Vegas Connection, Inc., Omar Awad, and
10		Jahangir Shahriari.
11		
12	Decl. of Shahriari ¶ 15, Page 4, Lines 10-18.	Irrelevant. Defendant's arguments concerning
	2 cc.	unrelated cases involving unrelated parties
13		have no bearing whatsoever on the issue presently before the Court concerning proper
14		venue in the action by Plaintiff against
15		Defendants Vegas Connection, Inc., Omar Awad, and Jahangir Shahriari.
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16		Argumentative, conclusory, and lacks foundation. Contains improper legal argument.
17		Declarations must contain facts and avoid
18		conclusions and arguments in order to constitute admissible evidence. Northern
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19		Bank Nederland, N.V. v. Eyes of the Beholder Ltd., 61 Cal.App.4th 1384, 1390 (1998); Cal.
20		Code of Civ. Proc. § 2015.5; Tri-State Mfg.
21		Co. v. Superior Court of Los Angeles County, 224 Cal.App.2d 442, 444-445
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22		on personal knowledge to be admissible.) Defendant's bare, unsupported contentions of
23		alleged scams and/or conspiracies have no
24		bearing whatsoever on the issue presently
		before the Court concerning proper venue in the action by Plaintiff against Defendants
25		Vegas Connection, Inc., Omar Awad, and
26		Jahangir Shahriari.
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1 2 3		Lacks foundation. Defendant's comments about Plaintiff trying to "trick" the Court lack any foundation whatsoever and are wholly inappropriate in the context of this Motion, or in any context, when such comments lack any relevancy and/or foundation.
4		relevancy and/or foundation.
5	Decl. of Shahriari ¶ 16, Page 4, Lines 19-26.	Argumentative, conclusory, and lacks foundation. Contains improper legal argument.
6		Declarations must contain facts and avoid conclusions and arguments in order to
7		constitute admissible evidence. Northern District of California Local Rule 7-5; Generale
8		Bank Nederland, N.V. v. Eyes of the Beholder Ltd., 61 Cal.App.4th 1384, 1390 (1998); Cal.
9		Code of Civ. Proc. § 2015.5; <u>Tri-State Mfg.</u> Co. v. Superior Court of Los Angeles County,
10		224 Cal.App.2d 442, 444-445 (1964)(declaration must be factual and based
11		on personal knowledge to be admissible.) Defendant's bare, unsupported contentions of
12		alleged scams and/or conspiracies have no bearing whatsoever on the issue presently
13		before the Court concerning proper venue in the action by Plaintiff against Defendants
14 15		Vegas Connection, Inc., Omar Awad, and Jahangir Shahriari.
16	Decl. of Shahriari ¶ 17, Page 4, Lines 27-28,	Argumentative, conclusory, and lacks
17	Page 5, Lines 1-3.	foundation. Contains improper legal argument. Declarations must contain facts and avoid
18		conclusions and arguments in order to constitute admissible evidence. Northern
19		District of California Local Rule 7-5; Generale Bank Nederland, N.V. v. Eyes of the Beholder
20		Ltd., 61 Cal.App.4th 1384, 1390 (1998); Cal. Code of Civ. Proc. § 2015.5; Tri-State Mfg.
21		Co. v. Superior Court of Los Angeles County, 224 Cal.App.2d 442, 444-445
22		(1964)(declaration must be factual and based on personal knowledge to be admissible.)
23		Defendant's bare, unsupported contentions of alleged scams and/or conspiracies have no
24		bearing whatsoever on the issue presently before the Court concerning proper venue in
25		the action by Plaintiff against Defendants Vegas Connection, Inc., Omar Awad, and
26		Jahangir Shahriari.
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Bank Nederland, N.V. v. Eyes of the Beholder Ltd., 61 Cal.App.4th 1384, 1390 (1998); Cal. Code of Civ. Proc. § 2015.5; Tri-State Mfg. Co. v. Superior Court of Los Angeles County, 224 Cal.App.2d 442, 444-445 (1964)(declaration must be factual and based on personal knowledge to be admissible.) Defendant's bare, unsupported contentions of alleged scams and/or conspiracies have no bearing whatsoever on the issue presently before the Court concerning proper venue in the action by Plaintiff against Defendants Vegas Connection, Inc., Omar Awad, and Jahangir Shahriari. Decl. of Shahriari ¶ 19, Page 5, Lines 9-15. Argumentative, conclusory, and lacks foundation. Contains improper legal argument Declarations must contain facts and avoid conclusions and arguments in order to constitute admissible evidence. Northern District of California Local Rule 7-5; Generale	Decl. of Shahriari ¶ 18, Page 5, Lines 4-8.	
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PLAINTIFFS' OBJECTIONS TO DECLARATION OF JAHANGIR SHAHRIARI IN SUPPORT OF DEFENDANTS' MOTION TO TRANSFER CASE FOR IMPROPER VENUE

1 2 3 4 5 6 7		Bank Nederland, N.V. v. Eyes of the Beholder Ltd., 61 Cal.App.4th 1384, 1390 (1998); Cal. Code of Civ. Proc. § 2015.5; Tri-State Mfg. Co. v. Superior Court of Los Angeles County, 224 Cal.App.2d 442, 444-445 (1964)(declaration must be factual and based on personal knowledge to be admissible.) Defendant's bare, unsupported contentions of alleged scams and/or conspiracies have no bearing whatsoever on the issue presently before the Court concerning proper venue in the action by Plaintiff against Defendants Vegas Connection, Inc., Omar Awad, and Jahangir Shahriari.
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9	Decl. of Shahriari ¶ 21, Page 5, Lines 27-28, Page 6, Lines 1-5	Argumentative, conclusory, and lacks foundation. Contains improper legal argument.
10		Declarations must contain facts and avoid conclusions and arguments in order to
11		constitute admissible evidence. Northern
12		District of California Local Rule 7-5; Generale Bank Nederland, N.V. v. Eyes of the Beholder
13		Ltd., 61 Cal.App.4th 1384, 1390 (1998); Cal.
14		Code of Civ. Proc. § 2015.5; <u>Tri-State Mfg.</u> Co. v. Superior Court of Los Angeles County, 224 Cal.App.2d 442, 444-445
15		(1964)(declaration must be factual and based
		on personal knowledge to be admissible.) Defendant's bare, unsupported contentions of
16		alleged scams and/or conspiracies have no bearing whatsoever on the issue presently
17		before the Court concerning proper venue in
18		the action by Plaintiff against Defendants Vegas Connection, Inc., Omar Awad, and
19		Jahangir Shahriari.
20	Decl. of Shahriari ¶ 22, Page 6, Lines 6-12.	Argumentative. Contains improper legal
21	Deci. of Shanfari 22, 1 age 0, Lines 0-12.	argument. Declarations must contain facts and avoid conclusions and arguments in order to
22		constitute admissible evidence. Northern District of California Local Rule 7-5; Generale
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24		Code of Civ. Proc. § 2015.5; <u>Tri-State Mfg.</u> Co. v. Superior Court of Los Angeles County,
25		224 Cal.App.2d 442, 444-445
		(1964)(declaration must be factual and based on personal knowledge to be admissible.)
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1 2 3 4 5 6 7	Decl. of Shahriari ¶ 23, Page 6, Lines 13-17.	Argumentative. Contains improper legal argument. Declarations must contain facts and avoid conclusions and arguments in order to constitute admissible evidence. Northern District of California Local Rule 7-5; Generale Bank Nederland, N.V. v. Eyes of the Beholder Ltd., 61 Cal.App.4th 1384, 1390 (1998); Cal. Code of Civ. Proc. § 2015.5; Tri-State Mfg. Co. v. Superior Court of Los Angeles County, 224 Cal.App.2d 442, 444-445 (1964)(declaration must be factual and based on personal knowledge to be admissible.)
8 9 10 11	Decl. of Shahriari ¶ 24, Page 6, Lines 18-19.	Lacks foundation; argumentative. Defendant lacks personal knowledge of the whereabouts of Plaintiff's accounting records and bank records which will be used to support Plaintiff's case. Such records are not located in Los Angeles, as Defendant contends.
12 13 14 15 16 17 18 19 20 21 22 23 24 25 26	Decl. of Shahriari ¶ 25, Page 6, Lines 20-22.	Irrelevant. Defendant's arguments concerning unrelated cases involving unrelated parties have no bearing whatsoever on the issue presently before the Court concerning proper venue in the action by Plaintiff against Defendants Vegas Connection, Inc., Omar Awad, and Jahangir Shahriari. Argumentative, conclusory, and lacks foundation. Contains improper legal argument. Declarations must contain facts and avoid conclusions and arguments in order to constitute admissible evidence. Northern District of California Local Rule 7-5; Generale Bank Nederland, N.V. v. Eyes of the Beholder Ltd., 61 Cal.App.4th 1384, 1390 (1998); Cal. Code of Civ. Proc. § 2015.5; Tri-State Mfg. Co. v. Superior Court of Los Angeles County, 224 Cal.App.2d 442, 444-445 (1964)(declaration must be factual and based on personal knowledge to be admissible.) Defendant's bare, unsupported contentions of alleged scams and/or conspiracies have no bearing whatsoever on the issue presently before the Court concerning proper venue in the action by Plaintiff against Defendants Vegas Connection, Inc., Omar Awad, and Jahangir Shahriari.
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2	Plaintiff therefore requests that the Court not consider any of the objectionable	
3	"evidence" submitted by Defendants, as set forth above.	
4	evidence submitted by Defendants, as set forth above.	
5	DATED, Navigalia, 27, 2007. CREENE CHAUVEL DECCALCO & MINOLETTI	
6	DATED: November 27, 2007 GREENE, CHAUVEL, DESCALSO & MINOLETTI	
7	BY:RONALD C. CHAUVEL	
8	BRANDON L. REEVES Attorneys for Plaintiff	
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PLAINTIFFS' OBJECTIONS TO DECLARATION OF JAHANGIR SHAHRIARI IN SUPPORT OF DEFENDANTS' MOTION TO TRANSFER CASE FOR IMPROPER VENUE